

1                   A bill to be entitled  
2           An act relating to trusts; amending s. 736.0103, F.S.;  
3           redefining the term "interests of the beneficiaries";  
4           amending s. 736.0105, F.S.; deleting a requirement  
5           that a trust be for the benefit of the trust's  
6           beneficiaries; amending s. 736.0110, F.S.; providing  
7           that the Attorney General has standing to assert  
8           certain rights in certain proceedings; amending s.  
9           736.0404, F.S.; deleting a restriction on the purpose  
10          for which a trust is created; amending s. 736.04117,  
11          F.S.; defining and redefining terms; authorizing an  
12          authorized trustee to appoint all or part of the  
13          principal of a trust to a second trust under certain  
14          circumstances; providing requirements for the second  
15          trust and its beneficiaries; providing that the second  
16          trust may retain, omit, or create specified powers;  
17          authorizing the term of the second trust to extend  
18          beyond the term of the first trust; providing  
19          requirements for distributions to a second trust when  
20          the authorized trustee does not have absolute power;  
21          providing requirements for such second trust;  
22          providing requirements for grants of power by the  
23          second trust; authorizing a second trust created by an  
24          authorized trustee without absolute power to grant  
25          absolute power to the second trust's trustee;

26 | authorizing an authorized trustee to appoint the  
27 | principal of a first trust to a supplemental needs  
28 | trust under certain circumstances; providing  
29 | requirements for such supplemental needs trust;  
30 | prohibiting an authorized trustee from distributing  
31 | the principal of a trust in a manner that would reduce  
32 | specified tax benefits; prohibiting the distribution  
33 | of S corporation stock from a first trust to a second  
34 | trust under certain circumstances; prohibiting a  
35 | settlor to be treated as the owner of a second trust  
36 | if he or she was not treated as the owner of the first  
37 | trust; prohibiting an authorized trustee from  
38 | distributing a trust's interest in property to a  
39 | second trust if it is subject to specified rules of  
40 | the Internal Revenue Code; prohibiting the exercise of  
41 | power to invade a trust's principal to increase an  
42 | authorized trustee's compensation or relieve him or  
43 | her from certain liability; specifying who an  
44 | authorized trustee must notify when he or she  
45 | exercises his or her power to invade the trust's  
46 | principal; specifying the documents that the  
47 | authorized trustee must provide with such notice;  
48 | amending s. 736.08135, F.S.; revising applicability;  
49 | amending s. 736.1008, F.S.; clarifying that certain  
50 | knowledge by a beneficiary does not cause a claim for

51 breach of trust or commence the running of a period of  
 52 limitations or laches; providing intent; providing for  
 53 retroactive application; amending s. 736.1201, F.S.;  
 54 defining the term "delivery of notice"; conforming a  
 55 provision to changes made by the act; amending s.  
 56 736.1205, F.S.; requiring an authorized trustee to  
 57 provide certain notice to the Attorney General rather  
 58 than the state attorney; amending ss. 736.1206,  
 59 736.1207, 736.1208, and 736.1209, F.S.; conforming  
 60 provisions; providing effective dates.

61

62 Be It Enacted by the Legislature of the State of Florida:

63

64 Section 1. Subsection (11) of section 736.0103, Florida  
 65 Statutes, is amended to read:

66 736.0103 Definitions.—Unless the context otherwise  
 67 requires, in this code:

68 (11) "Interests of the beneficiaries" means the beneficial  
 69 interests intended by the settlor as provided in the terms of a  
 70 ~~the~~ trust.

71 Section 2. Paragraph (c) of subsection (2) of section  
 72 736.0105, Florida Statutes, is amended to read:

73 736.0105 Default and mandatory rules.—

74 (2) The terms of a trust prevail over any provision of  
 75 this code except:

76 (c) The requirement that a trust ~~and its terms be for the~~  
 77 ~~benefit of the trust's beneficiaries, and that the trust~~ have a  
 78 purpose that is lawful, not contrary to public policy, and  
 79 possible to achieve.

80 Section 3. Subsection (3) of section 736.0110, Florida  
 81 Statutes, is amended to read:

82 736.0110 Others treated as qualified beneficiaries.—

83 (3) The Attorney General may assert the rights of a  
 84 qualified beneficiary with respect to a charitable trust having  
 85 its principal place of administration in this state. The  
 86 Attorney General has standing to assert such rights in any  
 87 judicial proceedings.

88 Section 4. Section 736.0404, Florida Statutes, is amended  
 89 to read:

90 736.0404 Trust purposes.—A trust may be created only to  
 91 the extent the purposes of the trust are lawful, not contrary to  
 92 public policy, and possible to achieve. ~~A trust and its terms~~  
 93 ~~must be for the benefit of its beneficiaries.~~

94 Section 5. Effective upon becoming a law, section  
 95 736.04117, Florida Statutes, is amended to read:

96 736.04117 Trustee's power to invade principal in trust.—

97 (1)(a) DEFINITIONS.—As used in this section, the term:  
 98 ~~Unless the trust instrument expressly provides otherwise, a~~  
 99 ~~trustee who has absolute power under the terms of a trust to~~  
 100 ~~invade the principal of the trust, referred to in this section~~

101 ~~as the "first trust," to make distributions to or for the~~  
102 ~~benefit of one or more persons may instead exercise the power by~~  
103 ~~appointing all or part of the principal of the trust subject to~~  
104 ~~the power in favor of a trustee of another trust, referred to in~~  
105 ~~this section as the "second trust," for the current benefit of~~  
106 ~~one or more of such persons under the same trust instrument or~~  
107 ~~under a different trust instrument; provided:~~

108 ~~1. The beneficiaries of the second trust may include only~~  
109 ~~beneficiaries of the first trust;~~

110 ~~2. The second trust may not reduce any fixed income,~~  
111 ~~annuity, or unitrust interest in the assets of the first trust;~~  
112 ~~and~~

113 ~~3. If any contribution to the first trust qualified for a~~  
114 ~~marital or charitable deduction for federal income, gift, or~~  
115 ~~estate tax purposes under the Internal Revenue Code of 1986, as~~  
116 ~~amended, the second trust shall not contain any provision which,~~  
117 ~~if included in the first trust, would have prevented the first~~  
118 ~~trust from qualifying for such a deduction or would have reduced~~  
119 ~~the amount of such deduction.~~

120 ~~(b) For purposes of this subsection, an absolute power to~~  
121 ~~invade principal shall include~~

122 ~~(a) "Absolute power" means a power to invade principal~~  
123 ~~that is not limited to specific or ascertainable purposes, such~~  
124 ~~as health, education, maintenance, and support, regardless of~~  
125 ~~whether ~~or not~~ the term "absolute" is used. A power to invade~~

126 principal for purposes such as best interests, welfare, comfort,  
 127 or happiness constitutes ~~shall constitute~~ an absolute power not  
 128 limited to specific or ascertainable purposes.

129 (b) "Authorized trustee" means a trustee, other than the  
 130 settlor or a beneficiary, who has the power to invade the  
 131 principal of a trust.

132 (c) "Beneficiary with a disability" means a beneficiary of  
 133 the first trust who the authorized trustee believes may qualify  
 134 for governmental benefits based on disability, regardless of  
 135 whether the beneficiary currently receives those benefits or has  
 136 been adjudicated incapacitated.

137 (d) "Current beneficiary" means a beneficiary who, on the  
 138 date his or her qualification is determined, is a distributee or  
 139 permissible distributee of trust income or principal. The term  
 140 includes the holder of a presently exercisable general power of  
 141 appointment, but does not include a person who is a beneficiary  
 142 only because he or she holds another power of appointment.

143 (e) "Governmental benefits" means financial aid or  
 144 services from any state, federal, or other public agency.

145 (f) "Internal Revenue Code" means the Internal Revenue  
 146 Code of 1986, as amended.

147 (g) "Power of appointment" has the same meaning as in s.  
 148 731.201(30).

149 (h) "Presently exercisable general power of appointment"  
 150 means a power of appointment exercisable by the powerholder at

151 the relevant time. The term:

152 1. Includes a power of appointment that is exercisable  
153 only after the occurrence of a specified event or that is  
154 subject to a specified restriction, but only after the event has  
155 occurred or the restriction has been satisfied.

156 2. Does not include a power exercisable only upon the  
157 powerholder's death.

158 (i) "Substantially similar" means that there is no  
159 material change in a beneficiary's beneficial interests or in  
160 the power to make distributions and that the power to make a  
161 distribution under a second trust for the benefit of a  
162 beneficiary who is an individual is substantially similar to the  
163 power under the first trust to make a distribution directly to  
164 the beneficiary. A distribution is deemed to be for the benefit  
165 of a beneficiary if:

166 1. The distribution is applied for the benefit of a  
167 beneficiary;

168 2. The beneficiary is under a legal disability or the  
169 trustee reasonably believes the beneficiary is incapacitated,  
170 and the distribution is made as permitted under this code; or

171 3. The distribution is made as permitted under the terms  
172 of the first trust instrument and the second trust instrument  
173 for the benefit of the beneficiary.

174 (j) "Supplemental needs trust" means a trust that the  
175 authorized trustee believes would not be considered a resource

176 for purposes of determining whether the beneficiary who has a  
177 disability is eligible for governmental benefits.

178 (k) "Vested interest" means a current unconditional right  
179 to receive a mandatory distribution of income, a specified  
180 dollar amount, or a percentage of value of a trust, or a current  
181 unconditional right to withdraw income, a specified dollar  
182 amount, or a percentage of value of a trust, which right is not  
183 subject to the occurrence of a specified event, the passage of a  
184 specified time, or the exercise of discretion.

185 1. The term includes a presently exercisable general power  
186 of appointment.

187 2. The term does not include a beneficiary's interest in a  
188 trust if the trustee has discretion to make a distribution of  
189 trust property to a person other than such beneficiary.

190 (2) DISTRIBUTION FROM FIRST TRUST TO SECOND TRUST WHEN  
191 AUTHORIZED TRUSTEE HAS ABSOLUTE POWER TO INVADE.—

192 (a) Unless a trust instrument expressly provides  
193 otherwise, an authorized trustee who has absolute power under  
194 the terms of the trust to invade its principal, referred to in  
195 this section as the "first trust," to make current distributions  
196 to or for the benefit of one or more beneficiaries, may instead  
197 exercise such power by appointing all or part of the principal  
198 of the trust subject to such power in favor of a trustee of one  
199 or more other trusts, whether created under the same trust  
200 instrument as the first trust or a different trust instrument,

201 including a trust instrument created for the purposes of  
 202 exercising the power granted by this section, each referred to  
 203 in this section as the "second trust," for the current benefit  
 204 of one or more of such beneficiaries only if:

205 1. The beneficiaries of the second trust include only  
 206 beneficiaries of the first trust; and

207 2. The second trust does not reduce any vested interest.

208 (b) In an exercise of absolute power, the second trust  
 209 may:

210 1. Retain a power of appointment granted in the first  
 211 trust;

212 2. Omit a power of appointment granted in the first trust,  
 213 other than a presently exercisable general power of appointment;

214 3. Create or modify a power of appointment if the  
 215 powerholder is a current beneficiary of the first trust;

216 4. Create or modify a power of appointment if the  
 217 powerholder is a beneficiary of the first trust who is not a  
 218 current beneficiary, but the exercise of the power of  
 219 appointment may take effect only after the powerholder becomes,  
 220 or would have become if then living, a current beneficiary of  
 221 the first trust; and

222 5. Extend the term of the second trust beyond the term of  
 223 the first trust.

224 (c) The class of permissible appointees in favor of which  
 225 a created or modified power of appointment may be exercised may

226 | differ from the class identified in the first trust.

227 | (3) DISTRIBUTION FROM FIRST TRUST TO SECOND TRUST WHEN

228 | AUTHORIZED TRUSTEE DOES NOT HAVE ABSOLUTE POWER TO INVADE.—

229 | Unless the trust instrument expressly provides otherwise, an

230 | authorized trustee who has a power, other than an absolute

231 | power, under the terms of a first trust to invade principal to

232 | make current distributions to or for the benefit of one or more

233 | beneficiaries may instead exercise such power by appointing all

234 | or part of the principal of the first trust subject to such

235 | power in favor of a trustee of one or more second trusts. If the

236 | authorized trustee exercises such power:

237 | (a) The second trusts, in the aggregate, shall grant each

238 | beneficiary of the first trust beneficial interests in the

239 | second trusts which are substantially similar to the beneficial

240 | interests of the beneficiary in the first trust.

241 | (b) If the first trust grants a power of appointment to a

242 | beneficiary of the first trust, the second trust shall grant

243 | such power of appointment in the second trust to such

244 | beneficiary and the class of permissible appointees shall be the

245 | same as in the first trust.

246 | (c) If the first trust does not grant a power of

247 | appointment to a beneficiary of the first trust, then the second

248 | trust may not grant a power of appointment in the second trust

249 | to such beneficiary.

250 | (d) Notwithstanding paragraphs (a), (b), and (c), the term

251 of the second trust may extend beyond the term of the first  
 252 trust, and, for any period after the first trust would have  
 253 otherwise terminated, in whole or in part, under the provisions  
 254 of the first trust, the trust instrument of the second trust  
 255 may, with respect to property subject to such extended term:

256 1. Include language providing the trustee with the  
 257 absolute power to invade the principal of the second trust  
 258 during such extended term; and

259 2. Create a power of appointment, if the powerholder is a  
 260 current beneficiary of the first trust, or expand the class of  
 261 permissible appointees in favor of which a power of appointment  
 262 may be exercised.

263 (4) DISTRIBUTION FROM FIRST TRUST TO SUPPLEMENTAL NEEDS  
 264 TRUST.—

265 (a) Notwithstanding subsections (2) and (3), unless the  
 266 trust instrument expressly provides otherwise, an authorized  
 267 trustee who has the power under the terms of a first trust to  
 268 invade the principal of the first trust to make current  
 269 distributions to or for the benefit of a beneficiary with a  
 270 disability, may instead exercise such power by appointing all or  
 271 part of the principal of the first trust in favor of a trustee  
 272 of a second trust that is a supplemental needs trust if:

273 1. The supplemental needs trust benefits the beneficiary  
 274 with a disability;

275 2. The beneficiaries of the second trust include only

276 beneficiaries of the first trust; and

277 3. The authorized trustee determines that the exercise of  
 278 such power will further the purposes of the first trust.

279 (b) Except as affected by any change to the interests of  
 280 the beneficiary with a disability, the second trusts, in the  
 281 aggregate, shall grant each other beneficiary of the first trust  
 282 beneficial interests in the second trusts which are  
 283 substantially similar to such beneficiary's beneficial interests  
 284 in the first trust.

285 (5) PROHIBITED DISTRIBUTIONS.—

286 (a) An authorized trustee may not distribute the principal  
 287 of a trust under this section in a manner that would prevent a  
 288 contribution to that trust from qualifying for, or that would  
 289 reduce the exclusion, deduction, or other federal tax benefit  
 290 that was originally claimed or could have been claimed for, that  
 291 contribution, including:

292 1. The exclusions under s. 2503(b) or s. 2503(c) of the  
 293 Internal Revenue Code;

294 2. A marital deduction under s. 2056, s. 2056A, or s. 2523  
 295 of the Internal Revenue Code;

296 3. A charitable deduction under s. 170(a), s. 642(c), s.  
 297 2055(a), or s. 2522(a) of the Internal Revenue Code;

298 4. Direct skip treatment under s. 2642(c) of the Internal  
 299 Revenue Code; or

300 5. Any other tax benefit for income, gift, estate, or

301 generation-skipping transfer tax purposes under the Internal  
302 Revenue Code.

303 (b) If S corporation stock is held in the first trust, an  
304 authorized trustee may not distribute all or part of that stock  
305 to a second trust that is not a permitted shareholder under s.  
306 1361(c)(2) of the Internal Revenue Code. If the first trust  
307 holds stock in an S corporation and is, or but for provisions of  
308 paragraphs (a), (c), and (d) would be, a qualified subchapter S  
309 trust within the meaning of s. 1361(d) of the Internal Revenue  
310 Code, the second trust instrument may not include or omit a term  
311 that prevents it from qualifying as a qualified subchapter S  
312 trust.

313 (c) Except as provided in paragraphs (a), (b), and (d), an  
314 authorized trustee may distribute the principal of a first trust  
315 to a second trust regardless of whether the settlor is treated  
316 as the owner of either trust under ss. 671-679 of the Internal  
317 Revenue Code; however, if the settlor is not treated as the  
318 owner of the first trust, he or she may not be treated as the  
319 owner of the second trust unless he or she at all times has the  
320 power to cause the second trust to cease being treated as if it  
321 was owned by the settlor.

322 (d) If an interest in property which is subject to the  
323 minimum distribution rules of s. 401(a)(9) of the Internal  
324 Revenue Code is held in trust, an authorized trustee may not  
325 distribute such an interest to a second trust under subsection

326 (2), subsection (3), or subsection (4) if the distribution would  
 327 shorten the otherwise applicable maximum distribution period.

328 (6) EXERCISE BY WRITING.—The exercise of a power to invade  
 329 principal under subsection (2), subsection (3), or subsection  
 330 (4) must ~~The exercise of a power to invade principal under~~  
 331 ~~subsection (1) shall~~ be by a written ~~an~~ instrument ~~in writing,~~  
 332 signed and acknowledged by the authorized trustee~~,~~ and filed  
 333 with the records of the first trust.

334 (7) ~~(3)~~ RESTRICTIONS ON EXERCISE OF POWER.—The exercise of  
 335 a power to invade principal under subsection (2), subsection  
 336 (3), or subsection (4): ~~(1)~~

337 (a) Is ~~Shall be~~ considered the exercise of a power of  
 338 appointment, excluding ~~other than~~ a power to appoint to the  
 339 authorized trustee, the authorized trustee's creditors, the  
 340 authorized trustee's estate, or the creditors of the authorized  
 341 trustee's estate.

342 (b) Is, ~~and Shall be~~ subject to the provisions of s.  
 343 689.225 covering the time at which the permissible period of the  
 344 rule against perpetuities begins and the law that determines the  
 345 permissible period of the rule against perpetuities of the first  
 346 trust.

347 (c) May be to a second trust created or administered under  
 348 the law of any jurisdiction.

349 (d) May not:

350 1. Increase the authorized trustee's compensation beyond

351 the compensation specified in the first trust instrument; or  
 352 2. Relieve the authorized trustee from liability for  
 353 breach of trust or provide for indemnification of the authorized  
 354 trustee for any liability or claim to a greater extent than the  
 355 first trust instrument; however, the exercise of the power may  
 356 divide and reallocate fiduciary powers among fiduciaries and  
 357 relieve a fiduciary from liability for an act or failure to act  
 358 of another fiduciary as otherwise allowed under law or common  
 359 law.

360 (8) NOTICE.-

361 (a) ~~(4)~~ The authorized trustee shall provide written  
 362 notification of the manner in which he or she intends to  
 363 exercise his or her power to invade principal to notify all  
 364 qualified beneficiaries of the following parties first trust, in  
 365 writing, at least 60 days before prior to the effective date of  
 366 the authorized trustee's exercise of such power the trustee's  
 367 power to invade principal pursuant to subsection (2), subsection  
 368 (3), or subsection (4): ~~(1)~~, of the manner in which the trustee  
 369 intends to exercise the power.

370 1. All qualified beneficiaries of the first trust;

371 2. If paragraph (5)(c) applies, the settlor of the first  
 372 trust;

373 3. All trustees of the first trust; and

374 4. Any person who has the power to remove or replace the  
 375 authorized trustee of the first trust.

376            (b) The authorized ~~A copy of the proposed instrument~~  
 377 ~~exercising the power shall satisfy the trustee's notice~~  
 378 ~~obligation to provide notice~~ under this subsection is satisfied  
 379 by his or her providing copies of the proposed instrument  
 380 exercising the power, the trust instrument of the first trust,  
 381 and the proposed trust instrument of the second trust.

382            (c) If all of those required to be notified ~~qualified~~  
 383 ~~beneficiaries~~ waive the notice period by signed written  
 384 instrument delivered to the authorized trustee, the authorized  
 385 trustee's power to invade principal shall be exercisable  
 386 immediately.

387            (d) The authorized trustee's notice under this subsection  
 388 does ~~shall~~ not limit the right of any beneficiary to object to  
 389 the exercise of the authorized trustee's power to invade  
 390 principal except as otherwise provided in other applicable  
 391 provisions of this code.

392            (9)-(5) INAPPLICABILITY OF SPENDTHRIFT CLAUSE OR OTHER  
 393 PROHIBITION.—The exercise of the power to invade principal under  
 394 subsection (2), subsection (3), or subsection (4) ~~(1)~~ is not  
 395 prohibited by a spendthrift clause or by a provision in the  
 396 trust instrument that prohibits amendment or revocation of the  
 397 trust.

398            (10)-(6) NO DUTY TO EXERCISE.—Nothing in this section is  
 399 intended to create or imply a duty to exercise a power to invade  
 400 principal, and no inference of impropriety may ~~shall~~ be made as

401 a result of an authorized trustee's failure to exercise a  
 402 ~~trustee not exercising~~ the power to invade principal conferred  
 403 under subsections (2), (3), and (4) ~~subsection (1)~~.

404 ~~(11)(7)~~ NO ABRIDGEMENT OF COMMON LAW RIGHTS. ~~The~~  
 405 ~~provisions of~~ This section may ~~shall~~ not be construed to abridge  
 406 the right of any trustee who has a power of invasion to appoint  
 407 property in further trust that arises under the terms of the  
 408 first trust or under any other section of this code or under  
 409 another provision of law or under common law.

410 Section 6. Subsection (3) of section 736.08135, Florida  
 411 Statutes, is amended to read:

412 736.08135 Trust accountings.—

413 (3) Subsections (1) and (2) govern the form and content of  
 414 ~~This section applies to~~ all trust accountings rendered for any  
 415 accounting periods beginning on or after January 1, 2003, and  
 416 all trust accountings rendered on or after July 1, 2017. This  
 417 subsection does not affect the beginning period from which a  
 418 trustee is required to render a trust accounting.

419 Section 7. Subsection (3) of section 736.1008, Florida  
 420 Statutes, is amended to read:

421 736.1008 Limitations on proceedings against trustees.—

422 (3) When a trustee has not issued a final trust accounting  
 423 or has not given written notice to the beneficiary of the  
 424 availability of the trust records for examination and that  
 425 claims with respect to matters not adequately disclosed may be

426 | barred, a claim against the trustee for breach of trust based on  
 427 | a matter not adequately disclosed in a trust disclosure document  
 428 | is barred as provided in chapter 95 and accrues when the  
 429 | beneficiary has actual knowledge of:

430 |       (a) The facts upon which the claim is based, if such  
 431 | actual knowledge is established by clear and convincing  
 432 | evidence; or

433 |       (b) The trustee's repudiation of the trust or adverse  
 434 | possession of trust assets.

435 |  
 436 | Paragraph (a) applies to claims based upon acts or omissions  
 437 | occurring on or after July 1, 2008. A beneficiary's actual  
 438 | knowledge that he or she has not received a trust accounting  
 439 | does not cause a claim to accrue against the trustee for breach  
 440 | of trust based upon the failure to provide a trust accounting  
 441 | required by s. 736.0813 or former s. 737.303, and does not  
 442 | commence the running of any period of limitations or laches for  
 443 | such a claim, and paragraph (a) and chapter 95 do not bar any  
 444 | such claim.

445 |       Section 8. The changes to s. 736.08135, Florida Statutes,  
 446 | and s. 736.1008, Florida Statutes, made by this act are intended  
 447 | to clarify existing law, are remedial in nature, and apply  
 448 | retroactively to all cases pending or commenced on or after July  
 449 | 1, 2017.

450 |       Section 9. Present subsections (2), (3), and (4) of

451 section 736.1201, Florida Statutes, are redesignated as  
452 subsections (3), (4), and (5), respectively, present subsection  
453 (5) of that section is amended, and a new subsection (2) is  
454 added to that section, to read:

455 736.1201 Definitions.—As used in this part:

456 (2) "Delivery of notice" means delivery of a written  
457 notice required under this part using any commercial delivery  
458 service requiring a signed receipt or by any form of mail  
459 requiring a signed receipt.

460 ~~(5) "State attorney" means the state attorney for the~~  
461 ~~judicial circuit of the principal place of administration of the~~  
462 ~~trust pursuant to s. 736.0108.~~

463 Section 10. Section 736.1205, Florida Statutes, is amended  
464 to read:

465 736.1205 Notice that this part does not apply.—In the case  
466 of a power to make distributions, if the trustee determines that  
467 the governing instrument contains provisions that are more  
468 restrictive than s. 736.1204(2), or if the trust contains other  
469 powers, inconsistent with the provisions of s. 736.1204(3) that  
470 specifically direct acts by the trustee, the trustee shall  
471 notify the ~~state~~ Attorney General by delivery of notice when the  
472 trust becomes subject to this part. Section 736.1204 does not  
473 apply to any trust for which notice has been given pursuant to  
474 this section unless the trust is amended to comply with the  
475 terms of this part.

476 Section 11. Subsection (2) of section 736.1206, Florida  
477 Statutes, is amended to read:

478 736.1206 Power to amend trust instrument.—

479 (2) In the case of a charitable trust that is not subject  
480 to ~~the provisions of~~ subsection (1), the trustee may amend the  
481 governing instrument to comply with ~~the provisions of~~ s.  
482 736.1204(2) after delivery of notice to, and with the consent  
483 of, ~~the state~~ Attorney General.

484 Section 12. Section 736.1207, Florida Statutes, is amended  
485 to read:

486 736.1207 Power of court to permit deviation.—This part  
487 does not affect the power of a court to relieve a trustee from  
488 any restrictions on the powers and duties that are placed on the  
489 trustee by the governing instrument or applicable law for cause  
490 shown and on complaint of the trustee, the Attorney General  
491 ~~state attorney~~, or an affected beneficiary and notice to the  
492 affected parties.

493 Section 13. Paragraph (b) of subsection (4) of section  
494 736.1208, Florida Statutes, is amended to read:

495 736.1208 Release; property and persons affected; manner of  
496 effecting.—

497 (4) Delivery of a release shall be accomplished as  
498 follows:

499 (b) If the release is accomplished by reducing the class  
500 of permissible charitable organizations, by delivery of notice a

501 ~~copy~~ of the release to the ~~state~~ Attorney General, including a  
 502 copy of the release.

503 Section 14. Section 736.1209, Florida Statutes, is amended  
 504 to read:

505 736.1209 Election to come under this part.—With the  
 506 consent of that organization or organizations, a trustee of a  
 507 trust for the benefit of a public charitable organization or  
 508 organizations may come under s. 736.1208(5) by delivery of  
 509 notice to filing with the state Attorney General of the an  
 510 election, accompanied by the proof of required consent.  
 511 Thereafter the trust shall be subject to s. 736.1208(5).

512 Section 15. Except as otherwise provided in this act and  
 513 except for this section, which shall take effect upon becoming a  
 514 law, this act shall take effect July 1, 2017.